

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DERRICK LANG HUNTER,

Petitioner,

v.

MAGGIE MILLER-STOUT,

Respondent.

NO. C12-5517 RBL/KLS

ORDER DENYING PETITIONER'S
MOTION FOR DISCOVERY AS
MOOT AND GRANTING MOTION
FOR EXTENSION OF TIME

Before the Court is Petitioner's Motion to Conduct Discovery and For Extension of Time. ECF No. 19. The "discovery" sought by Petitioner is portions of the state court record that were inadvertently omitted by Respondent. Respondent has remedied the omissions. Respondent does not oppose Petitioner's motion. ECF No. 21.

DISCUSSION

Mr. Hunter filed a habeas corpus petition in this Court on May 31, 2012. ECF No. 1. Respondent filed an answer and memorandum of authorities in response to the petition and submitted the state court record. ECF Nos. 11-12. Mr. Hunter was previously granted a 60-day extension of time in which to file his reply brief no later than October 15, 2012. ECF No. 17. Mr. Hunter requests a second extension of time and seeks leave to conduct discovery. ECF No. 19. Specifically, Mr. Hunter seeks the following two items that were missing from the state court record: (1) pages 325-26 from Volume 3 of the Verbatim Report of Proceedings (VRPs); and (2) a complete copy of Mr. Hunter's attorney's motion to suppress evidence pursuant to Superior Court Criminal Rule (CrR) 3.6. ECF No. 19, at 1-2.

1 Respondent's previously filed Exhibit 14 consisted of verbatim report of proceedings
2 (VRPs) from Mr. Hunter's state court case. ECF No. 12, Exhibit 13. Due to an inadvertent
3 administrative error, two missing pages from the VRPs from Volume 3, pages 325-26, were
4 not scanned properly, and were not provided to the Court or to Mr. Hunter. In addition, the
5 appendices to Mr. Hunter's attorney's motion to suppress in Respondent's previously filed
6 Exhibit 11 were not provided with the motion. Exhibit 11 was discussed in the Respondent's
7 Answer in conjunction with Exhibits 9 and 10. ECF No. 11, at 19-20, and ECF No. 12, at
8 Exhibits 9, 10, and 11.


10 Respondent filed and served replacement exhibits including the missing pages with the
11 Court and Petitioner on October 11, 2012. ECF No. 22.

12 Accordingly, it is **ORDERED**:

13
14 1. Petitioner's motion for discovery is **DENIED as moot**; Petitioner's motion for
15 an extension of time is **GRANTED**. Petitioner's response to Respondent's answer shall be
16 due on **November 26, 2012**. Respondent may file and serve a reply brief not later than
17 **November 30, 2012**. The Clerk will note the matter for consideration on **November 30, 2012**.

18 (3) The Clerk shall send copies of this Order to Petitioner and counsel for
19 Respondent.

20
21 **DATED** this 15th day of October, 2012.

22
23 

24 Karen L. Strombom
25 United States Magistrate Judge
26